

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 1:07-cr-00164-TWP-TAB
)	
JEFFREY ROUNDTREE,)	-02
)	
Defendant.)	

Order to Show Cause

Defendant filed a pro se motion that the Court construed as a Motion for Compassionate Release pursuant to the First Step Act of 2018, which is codified at 18 U.S.C. § 3582(c)(1)(A)(i). Dkt. 181. The Court appointed counsel to represent Defendant, dkt. 182, and also ordered the parties to file notices advising the Court whether Defendant had exhausted administrative remedies as required by § 3582(c)(1)(A), dkt. 186.

On May 1, 2020, Defendant's attorney filed a responsive notice and stated that, based on the information presently available, Defendant filed an administrative request for a sentence reduction on April 27, 2020, and that request is currently under administrative review. Dkt. 187. On May 7, 2020, the government filed a notice stating that it would not waive exhaustion of administrative remedies in Defendant's case. Dkt. 188. It also argued that a court cannot waive the exhaustion requirement over the government's objection. *Id.*

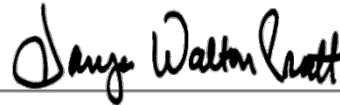
This Court has held that the exhaustion requirement is not jurisdictional and can be waived by the government but that the Court cannot waive it over the government's objection. *See United States v. Cox*, No. 4:18-cr-17-TWP-VTW-1, 2020 WL 1923220, at *3 (S.D. Ind. Apr. 21, 2020); *United States v. Jackson*, No. 2:15-cr-00013-JMS-CMM-1, Dkt. 137 (S.D. Ind. Apr. 28, 2020); *cf.*

United States v. Taylor, 778 F.3d 667, 670 (7th Cir. 2015) (holding that criteria for granting sentence reduction in § 3582(c)(2) are not jurisdictional).

Accordingly, on or before **May 22, 2020**, Defendant shall show cause why his Motion for Compassionate Release, dkt. 181, should not be denied without prejudice for the reasons stated in the government's notice of May 7, 2020.

IT IS SO ORDERED.

Date: 5/8/2020

A handwritten signature in black ink, reading "Tanya Walton Pratt", is written over a horizontal line.

TANYA WALTON PRATT, JUDGE
United States District Court
Southern District of Indiana

Distribution:

All Electronically Registered Counsel